

SPECIFICATION:

Please replace paragraph [001] with the following amended paragraph:

The present application is a continuation-in-part of United States patent application 10/389,300, filed March 14, 2004, which ~~application is hereby incorporated by reference herein in its entirety~~ is now abandoned.

Please replace paragraph [032] with the following amended paragraph:

In a preferred embodiment, writing instrument 10 is assembled by inserting cartridge 40 into barrel 12 through barrel proximal end opening 32, and inserting and attaching inner section 112 of end plug 100 in barrel proximal end opening 32. Proximal end 50 of cartridge 40 at least abuts cushioning element 120 or collar 130. Preferably, proximal end 50 of cartridge 40 is inserted into collar 130 through distal aperture 132 and thereby held by collar 130. If shoulder 136 is provided in aperture 132 of collar 130, proximal end 50 of cartridge 40 is inserted in aperture 132 to abut shoulder 136 to be thereby stabilized. In a preferred embodiment, end plug 100 and barrel 12 are fixed with respect to each other so that end plug 100 cannot be separated from barrel 12 and accidentally swallowed. Thus, end plug 100 and barrel 12 are preferably made of the same material, allowing them to be permanently welded together, such as by ultrasonic welding. Interference band 114 provides sufficient interference between inner section 112 and proximal end opening ~~[[17]]~~ 32 such that an ultrasonic shear weld can be used to attach end plug 100 to barrel 12 permanently.

Please replace paragraph [033] with the following amended paragraph:

Other manners of assembling writing instrument 10 can be used without departing from the spirit and scope of the present invention. For example, instead of proximal end 50 of cartridge 40 being stabilized by abutting collar 130 in shoulder ~~[[134]]~~ 136, cartridge 40 may be held by cushioning element 120 by a press-fitting, threaded, or adhesive attachment. Also, end plug 100 can be attached to barrel 12 by use of a face weld instead of a shear weld, or other attachment means such as press fitting, threading, or adhesives. Furthermore, the attachment of end plug 100 to barrel 12 can be permanent or end plug 100 can be attached releasably from barrel 12 (in which case the shape and configuration of end plug 100 is selected to not result in asphyxiation if swallowed).

Please replace paragraph [048] with the following amended paragraph:

Alternatively, in order to inhibit or to prevent bottoming out of the cushioning element, a stop element 500 may be provided. Stop element 500 preferably is formed separately from cushioning element. In the exemplary embodiment of FIGS. 11 and 12, stop element 500 is in the form of a stop pin extending through a longitudinal channel 502, [[504,]] 506 through cushioning element 120, end button 100, and collar 130. Stop element 500 preferably has an enlarged-diameter end or head 510 at distal end 512 sized to abut proximal end [[52]] 50 of cartridge 40. Enlarged-diameter end 510 also may be configured to abut shoulder 514 within collar 130 to limit the distance stop element 500 can be inserted through longitudinal channel 502, [[504,]] 506 for reasons that will become apparent. Stop element 500 is configured so that stop element 500 does not affect compression of cushioning element 120 at the beginning of compression of cushioning element 120. However, when cushioning element 120 is compressed a predetermined amount, stop element 500 becomes effective and inhibits or prevents further compression of cushioning element 120.

Please replace paragraph [052] with the following amended paragraph:

As noted above, proximal end 50 of writing medium reservoir 52 may be provided with opening 54 to allow venting for writing medium reservoir 52. Thus, if proximal end 50 of writing medium reservoir 52 abuts stop element 500, then stop element 500 preferably is configured to permit venting as well. As illustrated in FIG. 12, flats [[520]] 522 may be formed in enlarged-diameter end 510 of stop element 500. Thus, venting of writing medium reservoir 52 may also occur through stop element 500.